



November 11, 2009

To: Assembly Committee on Criminal Justice
From: WCPA Legislative Chair: Chief Doug Pettit, Oregon Police Department
Re: Support for AB 373

The Wisconsin Chiefs of Police Association (WCPA) represents more than 650 law enforcement administrators throughout the state and wishes to thank Chairman Turner and members of this committee for having a public hearing on this very important issue—gun violence and what we can do to prevent and reduce its impact in our communities.

Wisconsin Chiefs, working hand in hand with the national “Mayors against Illegal Guns” campaign believe that this narrow piece of legislation is a step in the right direction to eliminate the purchase of illegal guns and hold those more accountable who wish to engage in illegal behavior.

Law enforcement deals with gun violence on a daily basis and we believe national statistics show that gun violence has become a public health issue in many of our communities. Consider these facts:

- 30,000 Americans across the country killed every year as a result of gun violence, destroying families and communities in big cities and small towns.
- Gun dealers who break the law by knowingly selling guns to straw purchasers—people who are buying a firearm for use by another person who may not be able to legally buy a gun --must be targeted and held accountable.

AB 373 finally holds the person who intentionally gives false information on his or her notification form accountable. If someone wants to falsify whether they are purchasing a firearm with the purpose or intent of transferring the firearm to another person who is presently prohibited from possessing a firearm, they will now be charged with a felony crime-- a Class H felony. With it will come at minimum a \$500 fine with possible imprisonment up to 6 years. Even though current law prohibits a federally licensed firearms dealer from transferring a handgun to a person following a sale until the person has allegedly provided truthful identification to the firearms dealer, fines are minimal and it is not currently considered an actionable felony.

Illegal gun use is serious business and that is why the teeth in AB 373 is necessary if we are going to signal that illegal gun purchases in this state are wrong and won't be tolerated. DOJ will have new authority to prosecute such violations. Those who wish to skirt the law will know that every community leader and law enforcement in this state will be diligent in efforts to reduce the illegal purchase of guns that end up hurting law abiding citizens of this state. We thank Rep. Gunderson and Senator Darling and lawmakers for their leadership on this issue.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
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FAIRFAX, VIRGINIA 22030-7400

CHAIRMAN ROBERT TURNER
ASSEMBLY COMMITTEE ON CRIMINAL JUSTICE
328 NW
STATE CAPITOL
MADISON, WI

MR. CHAIRMAN,

MY NAME IS JORDAN AUSTIN AND I AM A REGISTERED LOBBYIST SUBMITTING WRITTEN TESTIMONY ON BEHALF OF THE NATIONAL RIFLE ASSOCIATION IN SUPPORT OF AB 373.

THIS IMPORTANT LEGISLATION WILL CHANGE THE PENALTY FOR AN INDIVIDUAL WHO COMMITS A STRAW PURCHASE AND PROVIDES FALSE WRITTEN INFORMATION TO THE FEDERAL FIREARMS LICENSEE WHOM THE INDIVIDUAL IS PURCHASING THE FIREARM FROM. THE CURRENT PENALTY FOR COMMITTING A "STRAW PURCHASE" UNDER FEDERAL LAW IS A FELONY AND THIS BILL WOULD BRING WI STATE LAW INTO LINE WITH FEDERAL LAW.

A "STRAW PURCHASE" IS WHEN AN INDIVIDUAL, WHO IS NOT A PROHIBITED PERSON" PURCHASES A FIREARM AND THEN GIVES THE FIREARM TO ANOTHER INDIVIDUAL WHO IS A PROHIBITED PERSON. THIS ACT UNDER FEDERAL LAW IS A FELONY AND THEREFORE WOULD MAKE THE INDIVIDUAL WHO COMMITTED THE STRAW PURCHASE A PROHIBITED PERSON ALSO. BY BRINGING WI STATE LAW INTO LINE WITH FEDERAL LAW AND INCREASING THE PENALTY, LOCAL PROSECUTORS WOULD THEREFORE BE ABLE TO BRING THE FELONY CHARGE AGAINST THESE LAW BREAKERS.

STRAW PURCHASES ARE A SIGNIFICANT SOURCE OF FIREARMS FOR PROHIBITED PERSONS. UNFORTUNATELY, MANY TIMES IN WISCONSIN INDIVIDUALS COMMITTING STRAW PURCHASES WERE ONLY CHARGED WITH MISDEMEANORS AND COULD THEREFORE CONTINUE TO PURCHASE FIREARMS AND COMMIT STRAW PURCHASES. WITHOUT THE FELONY CONVICTION, THAT INDIVIDUAL WOULD NOT BE A PROHIBITED PERSON. IT IS VITALLY IMPORTANT THAT THESE INDIVIDUALS WHO COMMIT THESE STRAW PURCHASES BE PROHIBITED FROM PURCHASING AND POSSESSING FIREARMS IF CONVICTED. THIS WAY, THE NETWORK OF PERSONS THAT CRIMINALS USE TO ACQUIRE THEIR FIREARMS GROWS SMALLER AND SMALLER.

THE NATIONAL RIFLE ASSOCIATION URGES THIS COMMITTEE TO PASS THIS BILL

FAVORABLY OUT OF COMMITTEE FOR CONSIDERATION BY THE FULL ASSEMBLY. THIS LEGISLATION IS AN IMPORTANT STEP IN COMBATTING THE CRIME FACING THE BADGER STATE. IT IS ALSO CRITICAL THAT WE NOT ALLOW ANY AMENDMENTS IRRELEVANT TO OR DETRIMENTAL TO THE SUBSTANCE OF THIS BILL. I APPRECIATE THE OPPORTUNITY TO SUBMIT TESTIMONY ON THIS BILL AND AGAIN URGE YOUR SUPPORT.

JORDAN AUSTIN
WISCONSIN STATE LOBBYIST
NRA-ILA



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GEORGE D. SCHERCK
Mayor

DATE: NOV. 11, 2009

TO: HONORABLE MEMBERS,

Assembly Committee on Criminal Justice

From: George Scherck, Mayor of Neenah

Re: AB 373

AB 373 is aimed at combating a problem that has become increasingly serious in Wisconsin: the illegal transfer of a firearm to a criminal by a "straw purchaser."

A straw purchaser is someone who buys a gun for a convicted felon, an action that violates federal law. Nine of 10 straw buyers prosecuted in the Milwaukee area since 2007 made their purchases at a single West Milwaukee gun shop, a *Milwaukee Journal Sentinel* investigation found earlier this fall.

Police in Milwaukee suspect that a gun used to shoot a police officer there last month was bought at the gun shop by a straw purchaser.

In Pennsylvania, police say the gun used to kill two armored car guards has been traced back to two Philadelphia men, and they have been charged with illegal transfer of firearms and conspiracy charges.

It is already against the law to buy a firearm for another person from a licensed dealer. At the federal level, a straw-purchase conviction is punishable by as much as 10 years in prison and a fine of up to \$250,000.

AB 373 would provide that a person who intentionally gives false information on his or her state handgun purchase notification form on whether he or she intends to transfer the firearm to a convicted felon is guilty of a felony, and may be fined not less than \$500 or more than \$10,000, or sentenced to up to six years in prison. The bill also authorizes the state Department of Justice to prosecute such a violation.

AB 373 will provide the authorities with additional tools used to keep illegal guns off the streets and out of the hands of felons in Wisconsin. These are guns that are used to injure and kill law

CITY OF NEENAH
Office of the Mayor

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enforcement officers and innocent civilians, and passage of AB 373 will help make Wisconsin a safer place for law-abiding citizens to raise their families.

I hope you advance this important piece of legislation. Thank you.